

Minutes

Of the Ordinary Council Meeting

Location: Council Chambers, Municipal Offices
62-68 Ovens Street, Wangaratta

Date: 21 February 2017

Time: 6pm



RURAL CITY OF
WANGARATTA

Brendan McGrath
Chief Executive Officer

TABLE OF CONTENTS

	Page No.
1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	5
2. OPENING PRAYER	5
3. PRESENT	5
4. ABSENT	5
5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE	5
ORDER OF BUSINESS	5
6. CITIZENSHIP CEREMONY	5
7. CONFIRMATION OF MINUTES	5
8. CONFLICT OF INTEREST DISCLOSURE.....	6
9. RECEPTION OF PETITIONS.....	6
10. HEARING OF DEPUTATIONS	6
PRESENTATION OF REPORTS	6
11. COUNCILLOR REPORTS	6
OFFICERS' REPORTS	8
12. EXECUTIVE SERVICES	8
13. CORPORATE SERVICES	9
13.1 2016/17 BUDGET REVIEW	9
13.2 DECEMBER 2016 QUARTERLY FINANCE REPORT	15
13.3 COUNCIL RESOLUTIONS.....	18
13.4 COUNCIL LEASES IN THE WANGARATTA GOVERNMENT CENTRE	21
14. COMMUNITY WELLBEING.....	26
14.1 ADVISORY COMMITTEE APPOINTMENTS.....	26
15. INFRASTRUCTURE SERVICES	29
15.1 NAMING OF AN UNNAMED ROAD OFF WATTLE RANGE ROAD, TOLMIE - MERRIFIELD LANE	29
16. DEVELOPMENT SERVICES	32
16.1 LOCAL LAW NO 1 OF 2016 : COMMUNITY AMENITY	32
16.2 PLANNING SCHEME AMENDMENT C72 WANGARATTA GOLF COURSE - CONSIDERATION OF SUBMISSIONS.....	39
16.3 PLANNING SCHEME AMENDMENT C61 - WALDARA LOW DENSITY RESIDENTIAL AREA - CONSIDERATION OF PANEL REPORT.....	48
16.4 ENERGY REDUCTION TARGET UPDATE.....	58
17. SPECIAL COMMITTEE REPORTS.....	64
18. ADVISORY COMMITTEE REPORTS.....	65
18.1 ADVISORY COMMITTEE REPORTS.....	65
19. RECORDS OF ASSEMBLIES OF COUNCILLORS.....	66
19.1 RECORDS OF ASSEMBLY OF COUNCILLORS	66
20. NOTICES OF MOTION	68

21. URGENT BUSINESS 68

22. PUBLIC QUESTION TIME 68

23. CONFIDENTIAL BUSINESS 69

24. CLOSURE OF MEETING..... 69

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. OPENING PRAYER

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. PRESENT

Councillors:

Mayor Mr Ken Clarke OAM, Deputy Mayor Mr Harvey Benton, Mr David Fuller, Mr Dean Rees, Mr Harry Bussell, Mr Mark Currie, Mrs Ruth Amery

Officers:

Brendan McGrath - Chief Executive Officer, Ruth Kneebone - Director Corporate Services, Alan Clark - Director Infrastructure Services, Jaime Carroll - Director Community Wellbeing, Barry Green - Director Development Services

4. ABSENT

Nil

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

ORDER OF BUSINESS

6. CITIZENSHIP CEREMONY

Nil

7. CONFIRMATION OF MINUTES

RECOMMENDATION:

(Moved: Councillor H Bussell/Councillor M Currie)

That Council read and confirm the Minutes of the Ordinary Meeting of 13 December 2016 and the Special Meeting of 6 February 2017 as a true and accurate record of the proceedings of the meetings.

Carried

8. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a '*conflict of interest*' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

- **Mayor Ken Clarke Declared a conflict interest to item 16.2 Planning Scheme Amendment C72 Wangaratta Golf Course - Consideration of Submissions.**

9. RECEPTION OF PETITIONS

10. HEARING OF DEPUTATIONS

PRESENTATION OF REPORTS

11. COUNCILLOR REPORTS

Mayor Ken Clarke - Councillor Update Report

It is now some three months since our election and I would like to make a progress report to the community. These three months have been extremely busy, as there was a tremendous amount that we, as a new council needed to learn, and this has required us to participate in many sessions of learning how council operates under the Local Government Act 1989.

As promised, we have re-visited the Rural Land Strategy C69, had presentations of the proposed aquatic plan and following these, while not unanimous, council have made a decision to make a further application for funding from the Federal Government. At this time we are still developing some sort of management plans for our saleyards. The Mayors drop in sessions have been well attended on most Wednesday's and it is pleasing to have so many ratepayers coming into the office, say hello and want to have a chat. Most are complimentary of the performance of the council and please feel free to stop me in the street or the supermarket if you want to chat. All of my colleagues are reporting similar recognition and I believe we are quickly gaining the communities respect.

As advertised, we have started to formulate our 2017-2021 Council Plan and recommendations and requests for inclusion can be made by visiting the Wangaratta Library or on-line at the "Our Say" site. I am deeply hurt that a member of the community who visited the library on Wednesday has seen fit to make some rather vitriolic statements about both our management team and

myself and fellow councillors. There were two words in his series of emails to managers and Councillors which are rather demeaning to the integrity of us all and I will not tolerate these accusations being made about officers of the Rural City or Councillors without substance. The word malfeasance implies that “the performance by a public officer of an act that is legally unjustified, harmful or contrary to law”. In my dealings with Council Officers, I see no evidence of any reason why a person would see this occurring. All councillors are involved in decision making and the comment “staff are cherry picking their favourite projects” is totally incorrect. It was following a presentation of the proposed “Maloney’s Square” that the Council decided this should become a “High Priority” from them to explore funding options. And that is all that has been decided, to look at funding options.

In closing, let me say that I have really appreciated the help and assistance from all my fellow councillors, who have been at my beckoned call when needed, as we all strive to make the Rural City a great place to live and work. Thank you

Cr Ruth Amery - Read a letter from the Minister regarding Planning Scheme Amendment C69

Dear Mr McGrath

WANGARATTA PLANNING SCHEME AMENDMENT C069

I refer to Amendment C69 to the Wangaratta Planning Scheme which was submitted for approval under section 31 of the *Planning and Environment Act 1987*.

The amendment implements the recommendations of the Roadside Conservation Management Plan 2014, by: referencing the Roadside Conservation Management Plan 2014 and Rural Landscape Assessment Study, Planisphere, 2009 and 2012 at Clause 21.12 and applying the Significant Landscape Overlay Schedules 2 and 3 and Vegetation Protection Overlay Schedule 2 to roadside land throughout the municipality. The amendment also amends Clause 21.10 to include additional provisions relating to Crown Land investigations and further work and makes a number of mapping corrections to comply with the requirements of the Victorian Planning Provisions.

Under the powers delegated to me from the Minister for Planning, I have decided to approve Amendment C69 with changes. The changes are as follows:

1. Abandon changes to Clause 22.01 (Rural land use and agriculture).
2. Amend Planning Scheme Map No. 32VPO to delete Vegetation Protection Overlay Schedule 2 as agreed at the Panel hearing.
3. Amend Clause 21.12 to correct alphabetical listing, reference the Rural Landscape Assessment Study, Planisphere, 2009 and 2012 and remove the reference to the Rural Land Strategy 2015.

4. Amend Schedule to Clauses 61.03, Clause 21.10 and 21.12 to reflect current local provision template.
5. Amend Explanatory Report and Instruction Sheet to reflect recommendations.
6. Abandon the rezoning of land from the Farming Zone to the Rural Conservation Zone, Rural Living Zone and Rural Activity Zone. Subsequently delete insertion of Clause 35.08 and Schedule.
7. Make the following mapping corrections:
 - a. Rezone Farming Zone to Public Conservation and Resource Zone- Byawatha (Planning Scheme Map Nos. 14 and 16).
 - b. Rezone Farming Zone to Public Use Zone –Schedule 2, 3 and 6 – Everton (Planning Scheme Map No. 39).
 - c. Rezone Farming Zone to Public Use Zone – Schedule 6 and Public Conservation and Resource Zone- Glenrowan (Planning Scheme Map Nos. 30, 32 and 33).
 - d. Rezone Public Park and Recreation Zone to Farming Zone – Oxley (Planning Scheme Map No. 35).
 - e. Rezone Farming Zone to Public Conservation and Resource Zone – Wangaratta South Planning Scheme Map No. 17).

The amendment will come into effect when notice of its approval is published in the Victoria Government Gazette.

If you have any further queries in relation to this matter please contact Bruce Standish, Manager, Hume Regional Planning Services, Department of Environment Land Water and Planning on 03 5722 7126.

Yours sincerely



JANE HOMEWOOD

Executive Director

Statutory Planning Services

19.01.17.

OFFICERS' REPORTS

12. EXECUTIVE SERVICES

Nil

13. CORPORATE SERVICES

13.1 2016/17 BUDGET REVIEW

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Manager Finance
File Name: FINANCIAL MANAGEMENT - Budgeting - Progress
- 2016/17 Performance Reporting
File No: F/16/2184

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to provide an update of Council's full year reforecast financial position compared to the Adopted Budget for 2016/17, and to propose that Council adopts the 2016/17 Budget Review as its budget reporting framework for the remainder of the 2016/17 financial year.

RECOMMENDATION:

(Moved: Councillor M Currie/Councillor H Benton)

That Council:

- 1. reviews and adopts the 2016/17 Budget Review;***
- 2. reviews and adopts the decrease in capital works in the 2016/17 Budget Review; and***
- 3. adopts the 2016/17 Budget Review as the reference framework for all future budget reporting for the 2016/17 financial year.***

Carried

Background

Council officers have undertaken a thorough revision of projected income and expenditure for the 2016/17 financial year. The revised targets will become the benchmark framework for future budget reporting.

It is Council's practice to undertake a budget reassessment midway through each financial year. To this end, a comprehensive review of Council's 2016/17 financial position was undertaken having regard to the following matters:

- The requirement under the *Local Government Act 1989* to establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management
- Council's audited financial position at 2015/16 year end
- Projects and works carried forward from the 2015/16 year
- Income received in 2015/16 in relation to the 2016/17 year
- Outcomes of funding applications
- Unbudgeted works undertaken in response to opportunities
- Known adjustments to income and expenditure.

An explanation of movements since the Adopted Budget to the Budget Review are provided for the:

1. Net operating result and underlying surplus (deficit)
2. Capital expenditure

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report.

Financial/Economic Implications

Full year 2016/17 Summary

	Adopted Budget 2016/17 \$'000	Revised Budget 2016/17 \$'000	Variance 2016/17 \$'000	Variance 2016/17 %
Total income	62,475	60,560	(1,915)	-3%
Total expenses	52,980	55,935	(2,955)	-6%
Surplus (deficit) for the year	9,495	4,625	(4,870)	-51%
Grants –non-recurrent capital	4,908	1,299	(3,610)	-74%
Proceeds on sale of land	0	635	635	100%
Reimbursements for capital assets	800	1,933	1,133	142%
Capital contributions - other sources	145	217	71	49%
Adjusted underlying surplus (deficit)	3,641	541	(3,100)	-85%

	Adopted Budget 2016/17 \$'000	Adopted Budget with Carry Overs 2016/17 \$'000	Revised Budget 2016/17 \$'000	Variance To Adopted Budget with Carry Overs 2016/17 \$'000	Variance To Adopted Budget with Carry Overs 2016/17 %
Capital works	25,276	27,231	16,249	(10,982)	-40%

Income Statement

The adopted budget surplus was \$9.495 million. The budget review surplus is \$4.625 million, representing an overall unfavourable movement of \$4.870 million. A significant portion of this unfavourable movement is due to a change in the expected timing of non-recurrent grant monies, principally from the WISAC Aquatics development and the CBD Masterplan projects. This is partly offset by favourable variances in reimbursements for flood reconstruction works and proceeds on land sales.

A comparison of the adjusted underlying surplus shows an overall unfavourable movement of \$3.1million and can be explained by the following large favourable and unfavourable movements:

Unfavourable

1. The municipality was the subject to two significant natural disaster events over the last 18 months – the floods in September/October 2016 and a storm in King Valley / Moyhu in December 2015. Council received confirmation from the Department of Treasury and Finance of the expected reimbursement of disaster response and recovery expenditures. This resulted in Council funding up to \$220,000 in net costs associated with these two events. This amount was not included in the 2016/17 Adopted Budget and therefore is an unfavourable movement in Council's income statement.
2. The 2016/17 Adopted Budget included an estimate of depreciation. Depreciation increased by \$556,930 in the Revised Budget when compared to the Adopted Budget. This represents a non-cash cost to Council.
3. Delays in securing EPA Victoria approval for the development and construction of the Organics Processing Plant resulted in Council continuing to incur costs in transporting and processing organics to a facility in Shepparton. Further, Council experienced reduced patronage of commercial operators at the Bowser landfill and as such reduced user fee income. Both of these circumstances lead to an overall unfavourable movement in net cost of Council's waste services of \$547,369. Subject to the outcome of the EPA Victoria review and approval, Council's depreciation of the landfill assets may reduce. Council will monitor this situation in the lead up to 30 June 2017.
4. Council announced a restructure in January 2016 and finalised its consultation with employees and affected stakeholders by June 2016. Much of the resulting redundancies and costs of the restructure were provided for in the income statement for the 2015/16 year, however there were some additional costs that were uncertain and could not be recognised at 30 June 2016. As such, there is an unfavourable movement in redundancy and restructure costs of \$364,675.
5. The deferral of construction works also resulted in the deferral of Roads to Recovery (R2R) grant funding of \$1.1 million. This is a timing issue only and Council will recognise this grant income in 2017/18 when the Cruse Street works are undertaken.

6. Council expected to receive \$70,000 in grant funding for works associated with the removal of Asbestos at Merriwa Park. Council since received \$35,000 and therefore there is an unfavourable movement of \$35,000.
7. Council purchased \$19,000 of equipment for the Community Compliance team. This included radios and hoods for parking machines to assist with the Christmas free parking period and with further promotions in the Central Business District.

Favourable

8. Income of \$386,782 and expenditure of \$276,543 were brought forward from 2015/16. Further details are set out in the September 2016 Council report.
9. Additional rates revenue as a result of supplementary rates notices of \$153,873.

Capital Works

The adopted budget contained capital works expenditure of \$25.276 million. In September 2016 Council resolved to carry over capital expenditure of \$2.185 million from the 2015/16 year and also resolved to reduce Council's capital expenditure in the 2016/17 budget by \$230,644. Further details of these particular changes are set out in the September 2016 Council report.

The capital works for the 2016/17 Budget Review is \$16.249 million, which results in a decrease of \$10.982 million from the adjusted capital works budget approved by Council in September 2016.

The reduction of \$10.982 million can be explained by the following large movements:

1. Deferral of \$6.067 million of expenditure for the WISAC Aquatics development due to the pending Commonwealth grant funding.
2. Deferral of \$2.2 million of expenditure for the CBD Masterplan. This will allow the newly elected Councillors to determine the short and medium term priorities for this Masterplan.
3. Deferral of \$1.5 million of expenditure for the Organics Processing Plant. Council is continuing to work with EPA Victoria to secure the necessary approvals for the construction and operation of the plant.
4. Deferral of \$1.1 million of expenditure on the Cruse Street road and bridge construction. This is necessary due to the discovery of Aboriginal artefacts and to ensure that Council supports the local indigenous community with the development in this site.
5. Deferral of drainage projects at Waldara, Appin Street, and Murrell Street with a combined value of \$690,000. The Waldara project is subject to the results of the panel hearing and subsequent decisions relating to Planning Scheme Amendment C72, the Waldara Low Density Precinct. This process has progressed but insufficient time remains to progress the project to completion this financial year. The other two projects need additional planning time to gain all necessary permits.

6. Bringing forward of capital expenditure of \$500,000 on the development of drainage works at Park Lane. This project is the number two priority (behind Waldara) for major drainage works and can commence immediately.
7. Bringing forward of capital expenditure of \$190,000 on drainage projects at Moyhu. These works are being brought forward so that stage 1 and stage 2 work can be completed at the same time in order to improve both the drainage network and aesthetics in the township of Moyhu. This project can be completed this financial year.

Borrowings

The Adopted Budget for 2016/17 included an increase in expected borrowings for the Aquatic Strategy and CBD masterplan, among others. The change to the capital works budget for the Aquatic Strategy and CBD masterplan will reduce the borrowings from \$4.263 million to \$60,000.

Legal/Statutory

In accordance with section 127 of the *Local Government Act 1989* (the Act), Council must prepare a budget for each financial year. Additionally, section 136 of the Act requires Council to apply principles of sound Financial Management.

Social

Social benefits of the projects will occur this financial year as outlined in the 15/16 Adopted Budget.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

Economic Impacts

The economic impacts associated with sound financial management are positive for Council's ratepayers, the community and future generations.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

We will create and deliver:

our budgeted annual capital works program.

We will plan and make decisions for the future:

maintaining a responsible and transparent Long Term Financial Plan.

The non-negotiables

The best use of Council's resources.

All legislative and compliance requirements are met.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inaccurate 2016/17 Reforecast	L	M	M	Regular monitoring and reporting of budget position

Consultation/Communication

Officers believe that appropriate consultation occurred and the matter is now ready for Council consideration.

Conclusion

Council reviewed its 2016/17 Budget in light of its current financial position. This revision resulted in Council establishing a budget review position for 2016/17.

Attachments

- 1 Revised Budget 2016/17 Income Statement & Statement of Capital Works

13.2 DECEMBER 2016 QUARTERLY FINANCE REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Manager Finance
File Name: Financial Management -Budgeting - Progress - 2016/17 Performance Reporting
File No: F16/2184

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to provide an update of Council's year-to-date (YTD) financial performance to its Adopted Budget 2016/17. Comparisons to Council's proposed Revised Budget 2016/17 are also provided.

RECOMMENDATION:

(Moved: Councillor H Bussell/Councillor D Rees)

That Council reviews and endorses the December 2016 Quarterly Finance Report.

Carried

Background

Council has completed its second quarter financial reporting process in order to manage and monitor its financial position against budget.

Implications**Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

Financial Implications**Quarter 2 Year to Date Summary**

	YTD Actuals	Adopted Budget	YTD Adopted Budget	YTD Adopted Budget	YTD Adopted Budget	Revised Budget	YTD Revised Budget	YTD Revised Budget	YTD Revised Budget
	2016/17	2016/17	2016/17	2016/17	2016/17	2016/17	2016/17	2016/17	2016/17
	\$'000	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%
Income	27,787	62,475	26,798	989	4%	60,560	27,381	406	1%
Expenses	26,134	52,980	27,620	1,486	5%	55,935	26,379	245	1%
Surplus (deficit) for the year	1,653	9,495	(822)	2,475	301%	4,625	1,002	651	65%
Capital Works Expenditure	2,496	25,276	6,351	(3,859)	-61%	16,249	2,911	(418)	-14%

Note that Commitments of \$4.386 million exist in relation to capital works expenditure at 31 December 2016.

Operating Result

Council's second quarter results are strong with a better than expected operating surplus of \$1.653 million. This outcome is largely driven by the timing of expenses and income being slightly different to what was expected at the time the 2016/17 Budget was adopted in June 2016. When compared to Council's 2016/17 Revised Budget, Council's actual income and expenditure is within 1% of the Revised Budget numbers.

The 2016/17 Budget Review Council report sets out the key reasons for changes to the Adopted Budget. To avoid repetition these reasons have not been restated as part of this report. For further information of Council's Operating and Capital Works result year to date performance, refer to the December 2016 Financial Report. (*refer attachment*)

Capital Works

Progress of the 2016/17 capital works program has been impacted by the weather conditions from July to November. As indicated in the October 2016 Council meeting report, a review of the delivery program for capital works was undertaken and the recommend changes to the Adopted Budget are set out in the 2016/17 Budget Review Council report.

Legal/Statutory

In accordance with section 127 of the *Local Government Act 1989* (the Act), Council must prepare a budget for each financial year. Additionally, section 136 of the Act requires Council to apply principles of sound Financial Management. Section 138 of the Act requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date and to present this report to Council.

Social

Social benefits of the projects will occur this financial year as outlined in the 16/17 Budget.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

Economic Impacts

The economic impacts associated with sound financial management are positive for Council's ratepayers, the community and future generations.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable.

We will create and deliver:

our budgeted annual capital works program.

We will plan and make decisions for the future:

maintaining a responsible and transparent Long Term Financial Plan.

The non-negotiables

The best use of Council's resources.

All legislative and compliance requirements are met.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Poor performance against budget	M	M	M	Regular monitoring and reporting of budget position

Consultation/Communication

Consultation has been undertaken with Council managers and corporate management team and the matter is now ready for Council consideration.

Conclusion

December 2016 year-to-date Operating Result is delivering a favourable result, when compared to the Adopted and Revised 2016/17 year-to-date budgets, due mainly to timing differences in revenue and expenses. Delivery of Council's large capital works program for 2016/17 has been impacted by weather conditions.

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Attachments

- 1 Quarterly Finance Report - December 2016

13.3 COUNCIL RESOLUTIONS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Governance and Risk Advisor
File Name: GOVERNANCE - Council Meetings - 2017 - Agendas
File No: F16/2230

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to record the taking of the Oath of Office by Councillors and to affirm the legitimacy of each of the prior resolutions and decisions made by Council.

RECOMMENDATION:

(Moved: Councillor D Fuller/Councillor H Benton)

That Council confirms the terms of each of the Resolutions and other decisions made at its meetings on 10 November 2016, 22 November 2016 and 13 December 2016, and, to the extent that it is necessary and lawful to do so, remakes each of those Resolutions and decisions through this Resolution.

Carried

Background

The Local Government Investigations and Compliance Inspectorate (the Inspectorate) conducted a review of the sector in December 2016 in regard to the requirement for each Councillor to appropriately take the Oath of Office in accordance with section 63 of the *Local Government Act 1989* (the Act) following the recent election.

Having conducted a review of the Oaths taken by Wangaratta Rural City Council Councillors, the Inspectorate identified inconsistencies with section 63 of the Act, and Division 2 of Part IV of the *Evidence (Miscellaneous Provisions) Act 1958*. The Oath of Office taken at the 2016 Wangaratta Rural City Council swearing in may not have strictly complied with the requirements of the *Evidence (Miscellaneous Provisions) Act 1958*, even though it followed the form provided in the Local Government Victoria guidelines. This issue has also affected a number of other councils.

The matter was able to be easily resolved by Councillors taking a revised Oath of Office in the appropriate format in January 2017 (refer attachment). As a precaution there also needs to be a “catch all” resolution adopted at this meeting which confirms the legitimacy of all previous resolutions passed by Council since its commencement.

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report.

Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

Legal/Statutory

The requirements of Section 63 - Oath of office and Councillor Code of Conduct of the Act have been met.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

The non-negotiables

All legislative and compliance requirements are met.

Conclusion

Councillors have made their Oath or Affirmation of Office in the appropriate form. As a precaution there also must be a “catch all” resolution adopted at this meeting which confirms the legitimacy of all previous resolutions passed by Council since its commencement.

Attachments

- 1 Councillor Oath & Affirmation 2017

13.4 COUNCIL LEASES IN THE WANGARATTA GOVERNMENT CENTRE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Director - Corporate Services
File Name: PROPERTY MANAGEMENT - Leasing and Licences - Premises
File No: F16/2088

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to recommend that Council approves the entering into of leases for office space in the Wangaratta Government Centre and land at the HP Barr Reserve and City Oval Reserve. In accordance with the *Local Government Act 1989*, public notice is required for leases of 10 years or more.

RECOMMENDATION:

(Moved: Councillor M Currie/Councillor R Amery)

That Council, having received no submissions relating to these matters:

1) Approves the following leases:

- a) office space located in the Wangaratta Government Centre, cnr Ford and Ovens Streets, Wangaratta to:***
 - i) the Department of Economic Development, Jobs, Transport and Resources – first floor, 428 sqm***
 - ii) the Department of Environment, Land Water and Planning - second floor, 341 sqm***
 - iii) North East Waste Recovery and Resource Group – third floor, 78.37 sqm, and***
- b) Part of HP Barr Reserve and City Oval Reserve shown as Lease Area hatched on attached Site Survey Plan.***

2) Authorises the use of the Common Seal in relation to lease documentation.

Carried

Background

Council leases floor space in the Wangaratta Government Centre to various State Government entities and non-government organisations. A number of existing leases are currently being renegotiated due to expiry of their term.

The renegotiation is being undertaken with the agents of the Department of Environment, Land, Water and Planning (DELWP), the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

Additionally, Council has been approached by Optus Mobile Pty Ltd (Optus) to lease land at the Barr Reserve and City Oval Reserve for the construction, maintenance and operation of a telecommunications network and telecommunications service.

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report.

Financial/Economic Implications

The terms proposed for the DELWP and DEDJTR lease agreements are:

Term:	Three years
Further terms:	Two further terms each of three years and two years
Rental:	\$235 per sqm per annum ex GST
Outgoings:	\$100 per sqm per annum ex GST to be adjusted for actual costs incurred annually
Percentage Rent Review:	Percentage review annually of 3%;
Market rent review:	At the commencement of any further term

The terms proposed for the NEWRRG lease agreement are generally:

Term:	Five years
Further terms:	Two further terms each of five years
Rental:	\$1,029.82 per month ex GST
Outgoings:	\$100 per sqm per annum ex GST to be adjusted for actual costs incurred annually
Percentage Rent Review:	Percentage review annually of 3%;
Market rent review:	At the commencement of any further term

The terms proposed for the Optus Lease agreement are:

Term:	21 years
Rental:	\$12,000 per annum ex GST
Percentage Rent Review:	Percentage review annually of 3%;
Market rent review:	At the renegotiation of the lease.

Potential revenue for the leases being negotiated is as follows.

	2016/17 Approved Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Rental of office space	196,446	196,446		Rental income is included in Council's 2016/17 annual budget
Rental of land	12,000	12,000		

Legal/Statutory

Section 190 of the Act requires Council to publish a public notice of a proposed lease where the term of the lease is for 10 years or more.

The lease of the Crown Land at the Barr Reserve and City Oval Reserve will be undertaken under the Crown Land (Reserves) Act 1978.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing, We are Connected.

We will research and advocate:

With regional partners to identify and address public and community transport gaps.

We will plan and make decisions for the future:

that encourage growth in Wangaratta's CBD and establish it as a regional retail centre.

through the delivery of 'The Wangaratta Project – CBD Masterplan' we will create a city centre that is unique, diverse and active.

Developing strategies to ensure an exceptional customer experience and to enhance, communication and engagement.

The non-negotiables

Our economy is diverse and strong – providing our residents with a range of employment and lifestyle opportunities.

We consult and engage effectively with the community and provide information that is clear, accessible and easy to understand about local decision making.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Breach of terms by parties to the lease	Low	High	Medium	Standard covenants and dispute resolution terms provided for in lease documentation

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	The facts are provided to the public	Council report and advertisement
Consult	Submissions are sought	Advertisement in Chronicle and web site
Involve	Submissions were considered	Committee considered submissions

Community consultation has been sought and no submissions were received on this matter.

Options for Consideration

Council may determine to proceed or not to proceed with the leases.

Conclusion

A number of leases for tenants in the Wangaratta Government Centre are in various stages of negotiation. Additionally, Council intends to enter into a lease with Optus for the purposes of constructing a telecommunications service. The *Local Government Act 1989* requires Council to give four week's public notice for leases that exceed 10 years. This notice has been given and no submissions were received. Council may now proceed finalise the lease terms.

Attachments

Nil

14. COMMUNITY WELLBEING

14.1 ADVISORY COMMITTEE APPOINTMENTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Manager - Arts, Culture and Events
File Name: COUNCIL'S COMMITTEES
File No: 10.020.008

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to provide the outcome of the Expression of Interest and make recommendations for membership of Council's Arts, Culture & Heritage Advisory Committee

RECOMMENDATION: .

(Moved: Councillor H Benton/Councillor R Amery)

That Council resolves to appoint David Godkin as a representative on the Rural City of Wangaratta Arts Culture & Heritage Advisory Committee (ACHAC) for the appointment of a three year term ending in February 2020.

Carried

Background

Membership of Council's Arts, Culture & Heritage Advisory Committee is made up of the Councillor holding the Arts, Culture and Heritage portfolio, up to 10 appropriately skilled representatives of the community based on an established skills matrix and Council officers.

Committee members of ACHAC are appointed as voluntary members to set terms of service. There were three vacancies for ACHAC. Two members of the committee had appointment expiration dates of August 2016 and one member of the committee was no longer eligible to participate as a community member. Expressions of interest were publicly called in December 2016 with one nomination received.

The candidate was assessed against the committee's skills matrix. In doing so, the existing skills set of the incumbent committee members were also taken into consideration. The selection criteria for ACHAC is:

Motivation to apply, Experience/skills, to provide advice, Utilise networks to promote arts, cultural and heritage opportunities, encourage and facilitate joint initiatives, ensure all sectors of the community have the opportunity to provide input.

A copy of the skills matrix completed for the applicant is attached (***refer confidential attachment***).

As only one application was received for the three vacancies Council will undertake another Expression of Interest campaign in February to explore community interest in participating in ACHAC.

Implications

Policy Considerations

Advisory Committee Charters set out the terms and key dates for appointment on an annual basis.

Financial/Economic Implications

Advisory Committees provide a positive outcome for the sustainability of the local community.

Legal/Statutory

The appointment of Advisory Committees is provided for in the *Local Government Act 1989*.

Social

Advisory Committees provide the opportunity for 2-way engagement between Council and Community members.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2013 – 2017 Council Plan (2016 Revision)

This report supports the Council Plan (revised 2016).

Goal

We are connected

We will research and advocate:

On behalf of our groups and committees to ensure they have the resources and knowledge to do the things they need to do.

The non-negotiables:

We consult and engage effectively with the community and provide information that is clear, accessible and easy to understand about local decision making.

Strategic Links**a) Rural City of Wangaratta 2030 Community Vision**

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The recommended candidate is not appointed by Council	Unlikely	Insignificant	Low	Re-advertise

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	Newspaper advertisements Website Letters to committee members

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

The applicant will be notified of Council's decision. Outgoing members will be thanked for their support and involvement in Council's advisory committee process.

Conclusion

Following consideration of the Expressions of Interest applications for ACHAC the new appointment will assist the committee in continuing to provide Council with advice, feedback and guidance.

Attachments

- 1 ACHAC Skills Matrix - December 2016 - Confidential
- 2 ACHAC Skills Matrix - January 2017 - Confidential

15. INFRASTRUCTURE SERVICES

15.1 NAMING OF AN UNNAMED ROAD OFF WATTLE RANGE ROAD, TOLMIE - MERRIFIELD LANE

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	21 February 2017
Author:	Executive Assistant - Infrastructure Services
File Name:	Place Naming Committee
File No:	F16/1775

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council seeking approval to proceed to formally name the unnamed road off Wattle Range Road, Tolmie as Merrifield Lane following a 28 day advertising period of the road naming proposal.

RECOMMENDATION:

(Moved: Councillor H Bussell/Councillor D Fuller)

That Council proceed to formally name the unnamed road off Wattle Range Road, Tolmie as “Merrifield Lane”.

Carried

Background

Council’s Place Naming Committee considered road naming proposals for the unnamed road off Wattle Range Road, Tolmie firstly at its meeting held on 11 May 2016 and again at its meeting held on 17 August 2017.

The proposed names were considered against Council policy and the Guidelines for Geographic Names 2010.

Research by the Place Naming Committee revealed that the original grantees on adjacent allotments to the unnamed road were WT Merrifield and WF Merrifield. From the 2 names proposed, it was considered that “Merrifield Lane” was the most appropriate name and road type and links the history to the location. There are no duplicates for Merrifield in the Rural City of Wangaratta or adjoining municipalities.

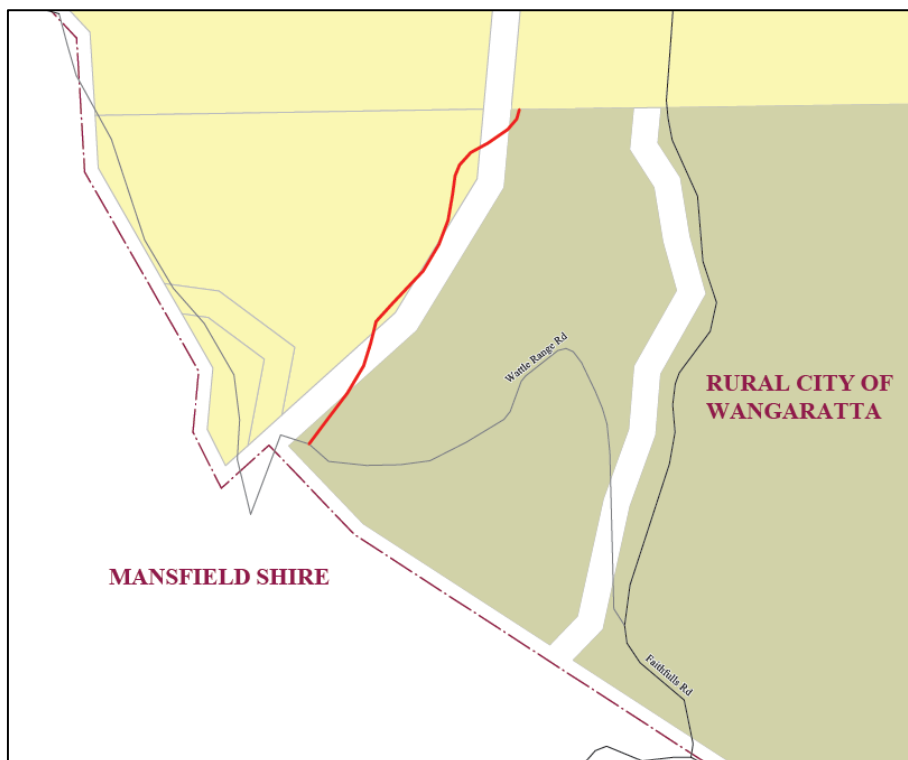
The naming proposal was advertised in the Wangaratta Chronicle and on Council’s website during October/ November 2016. Feedback was also sought from referral authorities and adjoining landowners.

One adjoining landowner requested information concerning the research undertaken by the committee and was then satisfied that the naming was appropriate.

There are no properties addressed to the unnamed road and Council obligations in regard to maintenance are unchanged by naming the road.

There were no objections received by the close of the submission period.

Refer to location map below for the extent of the road to be named.



Implications

Policy Considerations

- Policy for Naming Roads, Streets and Other Access ways

Financial/Economic Implications

Signage will be installed at the road following gazettal.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

There are no properties addressed to the road and therefore no social impacts identified.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Connected

We will create and deliver:

There is appropriate infrastructure that enhances all townships and communities throughout the municipality.

Consultation/Communication

The naming proposal was advertised in the Wangaratta Chronicle and on Council's website during October/ November 2016. Feedback was also sought from referral authorities and adjoining landowners.

Conclusion

The Place Naming Committee considers that following consideration of Council policy and the Guidelines for Geographic Names 2010, the name "Merrifield Lane" is the most appropriate name and road type for the road and seeks Council's approval to formally name the unnamed road. The name "Merrifield Lane" links history to the location.

Attachments

Nil.

16. DEVELOPMENT SERVICES

16.1 LOCAL LAW NO 1 OF 2016 : COMMUNITY AMENITY

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	21 February 2017
Author:	Manager Building, Planning and Compliance
File Name:	Local Law & Regulations
File No:	58.020.001

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to seek authorisation to exhibit a proposed replacement Local Law No.1 to the public and invite submissions prior to Council further considering the draft Local Law No.1 for approval.

The draft Local Law No.1 has been prepared by Council's legal advisors and is a necessary response to abandonment of the former Local Law No.3 Murray to Mountains Rail Trail. The draft new local law has also taken advantage to revise its form and is designed to achieve the following:

- Incorporate the provisions of Local Law 3 Murray to Mountains Rail Trail into the one Local Law.
- Reorganise the structure of the draft Local Law to follow a logical order, enabling its provisions to be easily located and understood in accordance with current best practise.
- Update and simplify the language and definitions to current usage and alter provisions where necessary, due to other legislation changes since the present local law was adopted.
- Be more consistent in language, extent and penalties with Local Laws for Amenity of other Victorian Councils.
- Cover a number of gaps in the existing Local Law 1 where this impacted Council's ability to respond appropriately to concerns of the public over amenity issues.
- Make the Local Law more comprehensive and complete in what it covers with less reliance on the need for companion Local Laws Policies for its implementation.

RECOMMENDATION:**(Moved: Councillor H Bussell/Councillor M Currie)*****That Council:***

- 1. gives notice in accordance with the requirements of Section 119 of the Local Government Act 1989 to place the Draft Rural City of Wangaratta Local Law No 1 2017 on public exhibition for not less than 28 days;***
- 2. provides a copy of the proposed local law and explanatory document which will be available for inspection and can be obtained from the Council offices or Council website;***
- 3. allows for any person affected by the proposed local law to make a submission to be received by Council for consideration until the close of business on 31 March 2017; and***
- 4. hear verbal submissions from those submitters who state in their written submissions that they wish to be heard in support of their submission in relation to the draft Rural City of Wangaratta Local Law No 1 (Community Amenity).***

Carried**Background**

A revised local law is necessary to replace existing Local Law No 1 Community Amenity and incorporate Local Law No 3 Murray to Mountains Rail Trail. This is a required action made necessary by a resolution of Council made on 26 June 2016 at Item 16.1 Murray to Mountains Rail Trail as follows: *That Council endorses the commencement of the process to revoke Local Law No 3 in conjunction with the incorporation of appropriate sections of Local Law No 3 into an amended Local Law No 1.*

At the same time it is necessary to modernise the local law provisions to reflect current best practise by Victorian local governments for regulations to achieve good community amenity. This has been recommended by Council's legal advisors who prepared the document while representing Council's legal interests. The draft Local Law also includes a number of provisions made necessary by changing activities in society and also amendments to reflect changes in legislation since the existing local laws were made.

The following major changes to the content of the draft Local Law are detailed as follows:

1. the draft Local Law contains a definition of 'Municipal Building' and a new 'Part B' – Municipal Buildings' has been added. This new Part B:

- 1.1 specifically regulates behaviour in and around Municipal Buildings;
 - 1.2 permits Council the ability to fix conditions of use; and
 - 1.3 enables an authorised Officer to direct a person to leave a Municipal Building under certain circumstances.
2. The draft Local Law now contains 'Part C – Municipal Reserves', which:
 - 2.1 is specifically concerned with Council's control of, and people's behaviour on Municipal Reserves;
 - 2.2 provides that Municipal Reserves are open to the public from sunrise to sunset every day, unless otherwise determined by Council; and
 - 2.3 permits Council to fix entry fees for entry into Municipal Reserves.
3. The draft local law has removed any reference to 'movement of livestock'. Clauses 16 and 17 of the draft Local Law continues to require permits to be obtained before a person undertakes Droving of Livestock or Grazing of Livestock (as defined) on any Council Land or Road.
4. A new definition of 'Home Delivery' has been added so that the Itinerant Trading provisions do not apply to the Home Delivery of goods and services where the transaction is completed on the land of the person receiving the goods.
5. Clause 20.4 of the draft Local Law exempts a person from the need to obtain a permit for the placement of Advertising Signs where the placement is permitted by the Wangaratta Planning Scheme or any State or Commonwealth legislation.
6. Clause 24 of the draft Local Law, concerning floodlighting, now incorporates the requirements set out in the relevant part of Council's Local Law No 1 (Policies).
7. Clause 25 of the draft Local Law, concerning Scare Guns, now incorporates the requirements set out in the relevant part of the Policies.
8. A new clause, Clause 34, has been added to the draft Local Law, concerning bicycles, scooters, skateboards, in-line and roller skates providing for Council to designate parts of the municipal district in which these items can be used (e.g. skate parks and the like).
9. Clause 38 of the draft Local Law addresses unsightly land however the definition of 'unsightly land' has been removed. This provides Council with greater flexibility when determining whether land ought to be considered 'unsightly' in the particular circumstances of each case.
10. A new clause, Clause 39, has been added to the draft Local Law, which requires people to maintain vacant buildings to an appropriate standard.
11. A new clause, Clause 43, has been added to the draft Local Law, regulating intruder alarms.

12. Part G – Animal Management now:

12.1 incorporates the limits on animal numbers that was previously included in the relevant part of the Policies; and

12.2 excludes the ‘Control of Cats’ and ‘Control of Dogs’ provisions because they address matters that cannot, under s 42 of the *Domestic Animals Act 1994*, be the subject of a local law. Such matters should instead be addressed by Council in orders made under s 26 of that Act.

13. Part H – Building Site Management is much more comprehensive than provided under the current Local Law. In particular it –

13.1 incorporates the requirement to obtain an Asset Protection Permit and pay an Asset Protection Bond;

13.2 requires the Owner of a Site to ensure that Building Works are contained to the Site;

13.3 prohibits waste being allowed to escape from a Site; and

13.4 requires the Owner of Site to provide an Approved Toilet System.

14. Part I – Waste Management incorporates the matters currently addressed in the relevant part of the Policies.

15. Local Law No 3 of 2009 – Murray to Mountains Rail Trail has been incorporated as Part J of the draft Local Law.

The following general changes have also been made to the draft Local Law:

1. Overall the structure of the draft Local Law has been set out to follow a logical order, enabling its provisions to be more easily located and understood.
2. The administrative provisions of the draft Local Law, including the issuing of permits and the enforcement of the draft Local Law, have been reviewed and centralised. Those administrative provisions are now set out in Parts K and L of the draft Local Law and so are easy to locate and follow.
3. The draft Local Law now incorporates in its text many of the substantive matters addressed by the Policies (aside from those expressly noted above). The Policies can be reviewed separately and operate as guidelines to assist members of Council staff in their administration of the draft Local Law. The Policies do not, though, need to be formally incorporated into the draft Local Law, as they previously were.

4. The draft Local Law is more comprehensive than the current Local Law. It has been necessary for Council's Authorised officers to carefully review each clause to ensure that it does not create offences that Council otherwise does not wish to enforce.
5. Provision has been made for additional infringement offences where considered necessary and for variable infringement penalties. These have been carefully reviewed to ensure that they reflect Council's requirements.
6. There has been an increase in the maximum penalty for offences against the draft Local Law to 20 penalty units, although most of the infringement amounts are consistent with the current Local Law.

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report. The Local Law assists the delivery of a key result area of community wellbeing, where Council works with the community to enhance the quality of life, culture and wellbeing of all residents.

Financial/Economic Implications

New or revised penalties while necessary for improved governance are unlikely to involve a large number of infringements.

Legal/Statutory

Following the approval of the new Local Law, the Local Law Policies will be reviewed, mainly to remove provisions made unnecessary by inclusion in this Local Law. Local Law 3 will be able to be repealed.

Social

It is considered that any new provisions are what our community would expect to be covered in their local law for amenity.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

We will create and deliver:

exceptional services and programs that help our families and children to be healthy, happy and connected.

The non-negotiables

All legislative and compliance requirements are met.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The local law is not revised	Low	Medium	Medium	Exhibit the draft revised local law for community consultation with a view to implementing a revised local law

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	The draft local law to be advertised	Local media and Council digital media
Consult	Draft document available for public exhibition	Inform the community in the newspaper and other local media that the draft local law is on exhibition and inviting submissions.
Involve	All submissions will be considered	Submissions will be available to Council to assist consideration prior to approval

Officers believe that appropriate consultation with authorised officers from across Council units has occurred including providing feedback to Council's legal representatives during the drafting stages and the matter is now ready for Council consideration to exhibit for public consultation in accordance with the Act.

Options for Consideration

- a) As the draft local law has been reviewed by authorised officers in consultation with Council's solicitors, Council should commence the public consultation period for the amended Local Law No 1.
- b) That exhibition of the draft local law be deferred to allow further consideration.
- c) That revision of the local law be abandoned

Neither b) or c) is recommended as substantial time and advice has gone into drafting the revised Local Law and the logical next step is to exhibit to the public allowing for submissions to be made.

Conclusion

The requirement to review the Local Law No.1 is the result of a Council resolution for changes to former local law No.3 to be incorporated and consolidated into a revised Local Law no.1. Following a resolution to exhibit the proposed local law a public notice will be placed in the Government Gazette and the Wangaratta Chronicle in accordance with Section 119 of the Act. A further report will be provided to Council on the outcome of the exhibition period.

Attachments

- 1 Draft Local Law No 1 - Community Amenity 2017
- 2 Local Law No 1 - Community Impact Statement

- **Mayor Ken Clarke declared a conflict of interest to item 16.2 Planning Scheme Amendment C72 Wangaratta Golf Course - Consideration of Submissions and left the room. Deputy Mayor Harvey Benton took the Chair.**

16.2 PLANNING SCHEME AMENDMENT C72 WANGARATTA GOLF COURSE - CONSIDERATION OF SUBMISSIONS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Principle Statutory Planner
File Name: C72
File No: C72

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to make a decision regarding submissions received to Amendment C72 in accordance with section 23 of the *Planning and Environment Act 1987*.

In summary Amendment C72 is a proponent lead amendment that proposes to:

- Rezone a 7.98 hectare parcel of land within Lot 27 LP135240 (being the Wangaratta Golf Course) from Special Use Zone – Schedule 4 (Golf Course) to General Residential Zone; and
- Consider an application for a planning permit for a staged multi lot (59 lots) residential subdivision, removal of native vegetation and new access to a Road Zone 1 (Wangaratta-Yarrowonga Road)

The amendment was exhibited from the 24 November, 2016 until the 6 January, 2017. Council has received a total of 18 submissions to date, of which 12 are from individuals / groups and 6 are from government and referral agencies.

Submissions from government and referral agencies provide general support for the proposal and submissions from community members provide a mix of support and opposition to the proposal.

In general, 5 submissions from landowners remain unresolved and are recommended to be referred to an independent Panel appointed by the Minister for Planning.

Some minor changes requested by three government agencies are recommended for approval and largely revolve around conditions of permit and additional wording within the explanatory report.

RECOMMENDATION:**(Moved: Councillor D Rees/Councillor M Currie)*****That Council:***

- 1. considers submissions to Amendment C72 in accordance with Section 23 of the Planning and Environment Act 1987 (the Act);***
- 2. makes changes to Amendment C72 in accordance with supported submissions documented in Attachment 1 – Table of Submissions;***
- 3. refers unresolved submissions documented in Attachment 1 – Table of Submissions to a Panel appointed under Part 8 of the Act;***
- 4. requests the Minister for Planning to appoint a Panel in accordance with Recommendation 3; and***
- 5. notifies submitters in writing of Council's decision.***

Carried**Background****Exhibition:**

In June 2016, Council resolved to accept the amendment request made by North East Survey Design on behalf of Wangaratta Golf Developments and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C72.

The amendment was placed on public exhibition from 24 November, 2016 – 6 January, 2017. Letters were sent to surrounding landowners, agencies and prescribed Ministers. In addition, notices were placed within the Wangaratta Chronicle on three separate occasions and also in the Government Gazette.

Submissions:

A total of 18 submissions were received and are summarised in **Attachment 1 – Table of Submissions**. Six (6) submissions are from referral and government agencies. These agencies provide general support for the amendment with some requesting minor alterations to permit conditions as outlined within the table.

The remaining 12 submissions are from individual and joint community members, including members of the Wangaratta Golf Club. These submissions are divided in both support (7) (3 of which are Golf Club Members) and opposition (5) to the proposed amendment.

Submission No.12 (opposing the amendment), was signed by a total of 23 people when submitted. However, Council has since received a request from one of the undersigned to have their name removed from the submission. Therefore, this submission now contains a total of 22 signatories.

General Summary of Issues:

The following is a summary of the main issues raised within the submissions:

Submissions of Support (7)

- Development will enhance Golf Course
- Secures the long term future of Golf Course.
- Retention of vegetation.
- Creation of new Shared pathway.

Submissions of Opposition (5)

Neighbourhood Character:

- Proposed general residential zoning and lot sizes are not consistent with the established and surrounding neighbourhood character.
- The proposal is in contradiction to Amendment C61 (Waldara LDRZ).
- The proposal should be subject to the same controls as AmC61.
- Loss of vegetation.
- Development will detrimentally impact on a major entrance to the town.

Traffic:

- Increase in traffic / noise within the area.
- Without the second connection to Wangaratta-Yarrawonga Road, the subdivision operates as an oversized court.
- No commitment to the second road connection.
- Pressure on the new intersection.

Stormwater:

- Loss of natural flood storage.
- Will increase existing drainage issues within the area.

Miscellaneous:

- Reference within the RCOW Population and Housing Strategy 2013, seems an afterthought.
- Opportunistic development.
- Loss of Lifestyle.

In summary the common major issues raised within the opposing submissions relate primarily to issues of neighbourhood character, traffic, drainage and infrastructure.

Neighbourhood character

Neighbourhood character is central to all submissions, and largely revolves around concerns over a perceived lack of responsiveness from the proposed subdivision to the surrounding low density character of Waldara.

These submissions generally consider that the General Residential zoning and density proposed by the Amendment is inappropriate and a more appropriate response would be a subdivision based around a Low Density Residential Zoning.

Neighbourhood character is one of the most subjective and interpretive elements of the Planning Scheme unlike other objective elements like building setbacks and site coverage. It is normal for a range of views to be expressed with planning applications or amendments that propose an alteration to the urban form, and finding an acceptable balance can be difficult. Any subdivision either GRZ or LDRZ on the golf course land will inherently lead to a degree of change within the area and the Wangaratta-Yarrawonga Road interface.

It is noted that submission no.11 suggests an alternative location for a residential subdivision on the golf course land (northern portion), however this would require a re-design of the proposal and this location does not come without its own potential issues relating to this location.

Amendment C41 (a previously proposed Golf Course Amendment) was abandoned largely in response to issues around neighbourhood character. The location of this proposal was further north from the current proposal, and the current proposal (C72) has been located to the south of the golf course to provide a transition between the General Residential land to the south and the Low Density land to the west (Waldara).

Council must decide what it considers to be an appropriate response to neighbourhood character for Waldara.

Traffic

The traffic impact assessment report (TIAR) prepared by Trafficworks, indicates that the residential development will generate an estimated 590 vehicles per day (vpd), at full capacity from the proposed northern entry.

This number will be reduced in the event of the second connection being established to the south, which is the subject of a future upgrade of the Wangaratta-Yarrawonga Road and Wangandary Road intersection. Based on the recommendations of the TIAR, it is considered that the any additional traffic generated can be accommodated within the surrounding road network.

Drainage

The stormwater management strategy (SMS) has been developed by the proponent and reviewed by Councils Technical Services Department who have provided conditions for the draft permit.

The SMS integrates with the Strategic Drainage Plan for the greater Waldara area, including upstream flows from the 'southern' sector of the Waldara LDRZ area, and the proposed upgrade to the outfall from Woodland Grove and duplication of the pipe under Wangaratta-Yarrowonga Road. The plan aims for an overall improvement in the quality and handling of stormwater within the area.

Infrastructure

Infrastructure constructed to appropriate standards will be provided to all residential lots. Servicing authorities have provided input into the amendment through the inclusion of conditions on the draft planning permit.

It is noted that North East Water (NEW) have highlighted that there are current capacity constraints within the reticulated sewerage system in Waldara. Investigations by NEW of the area are currently being undertaken and upgrades will be required, the cost of which will need to be borne by the beneficiaries of the scheme.

The amendment proponent is aware of this issue, and subject to upgrades all lots can be serviced by reticulated sewerage.

Consideration of Submissions:

Pursuant to section 23(1) of the *Planning and Environment Act 1987* (the Act), when considering a submission which requests a change to an amendment, Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a Panel appointed under Part 8 of the Act; or
- (c) abandon the amendment or part of the amendment.

Due to the issues raised within the submissions generally opposing the amendment and the fact that this is a proponent lead amendment, no direct negotiations have been undertaken by Council with these submitters.

This is because the likelihood of any resolution is considered low without a major redesign of the proposal in order to satisfy the concerns raised within the submissions. The submitters opposing the amendment are fundamentally against the density of lots in a GRZ compared to LDRZ. This would most likely require the amendment to be abandoned.

Implications

Policy Considerations

Council's *Population and Housing Strategy (2013)* is a reference document at Clause 21.12 of the Wangaratta Planning Scheme.

This Strategy identifies the golf course site as a '*strategically important site as it provides vacant and readily serviceable residential land within the north western growth precinct*'.

The Strategy further recommends as a Strategic Direction the rezoning of part of the golf course land to 'facilitate a Residential growth opportunity'. The amendment is considered to be consistent with the objectives of this strategy.

Financial Implications

Amendment C72 is a private proponent driven amendment and Council Planning staff have been responsible for the preparation of the amendment documentation for the exhibition of the amendment.

Costs associated with a Panel hearing are significant and are normally borne by Council. However, given that C72 is a private proponent driven amendment, the proponent will be responsible for the payment of the Panel fees.

A fee is set by Planning Panels Victoria that includes the Hearing, site visits and report writing. Costs for a two member Panel may be in the vicinity of \$10,000 a day. A Panel hearing may run for more than one day.

Council's direct costs will be officer time required to prepare for and represent Council at the Planning Panel hearing. It should be noted that the level of officer time required will be significant.

Legal/Statutory

All procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

Environmental/Sustainability Impacts

A number of environmental issues are raised in the exhibited Explanatory Report. The subject land is partially affected by the Land Subject to Inundation Overlay. Detailed design of the proposed subdivision must address development in these areas as well as adequate stormwater management.

There is proposed to be an amount of native vegetation removal in order to accommodate the subdivision layout, and changes to the remodelled golf course and these will be considered as part of any revegetation or offsetting.

Economic Impacts

The amendment will provide economic benefit to the local community by supporting the development of new housing within the local area.

As outlined within the exhibited explanatory report, the amendment will also provide financial capital to an existing sporting club, allowing the redevelopment of the golf course and in the longer term the potential for the establishment of a new club house and restaurant (separate to this amendment).

2013 – 2017 Council Plan (2015 Revision)

We will plan and make decisions for the future:

by identifying future development areas and giving consideration to potential planning scheme amendments and developer contributions.

The non-negotiables

Everyone can access a range of recreation facilities and programs that encourage an active and healthy lifestyle.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

‘The Rural City of Wangaratta has not grown for growth’s sake. Population and housing expansion has been well considered, planned and managed, with moderate and well-paced growth occurring in line with the creation of employment and infrastructure and services provision.’

The proposal is generally consistent with this section of the Community Vision and action item 20 of Councils Population and Housing Strategy 2013 which nominates the following:

‘rezoning of 5.8ha of the Wangaratta Golf Course land fronting the Wangaratta-Yarrowonga Road Waldara to facilitate a residential growth opportunity by rezoning the land as General Residential Zone.’

Risk Management

The majority of the risks associated with this matter are considered minor.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Amendment is not supported by a Planning Panel	Moderate	Panel recommends abandonment of amendment.	N/A	Council to review any Panel recommendation prior to finally deciding whether to support the amendment for approval by the Minister.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will keep you informed.	Formal notification process under section 19 of the <i>Planning and Environment Act 1987</i> including notifying all potentially affected landowners and relevant agencies.

Consult	We will listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	Formal submissions process to allow and encourage feedback; potential Panel process to address outstanding submissions.
Involve	N/A	N/A
Collaborate	N/A	N/A
Empower	N/A	N/A

Officers believe that appropriate preliminary consultation has occurred and the matter is now ready for Council consideration to proceed to the next phase in the process.

Options for Consideration

Option 1 (Recommended option): Resolve to make changes to the amendment where appropriate, in accordance with submissions detailed in Attachment 1 (pursuant to section 23(1)(a) of the Act) and request the appointment of an independent Panel to consider all unresolved submissions as detailed in Attachment 1 (pursuant to section 23(1)(b) of the Act).

This option follows the statutory process required to progress the amendment and consider all submissions to Amendment C72.

Option 2: Abandon the amendment under section 23(1)(c) of the Act, given the issues raised within the unresolved submissions to the amendment.

Option 3: Redesign the Proposed Subdivision to incorporate all of the concerns raised within the submissions.

This option would require a total redesign of the proposal, would be subject to agreement by the proponent, referral authorities and also the Minister for Planning for additional time under Ministerial Direction 15.

Conclusion

Amendment C72 seeks to rezone part of the land owned by the Wangaratta Golf Club, to facilitate an integrated multi-lot residential subdivision. The current golf course zoning (Special Use Zone 4) cannot currently facilitate the outcome as requested by the applicant.

This report recommends that Council considers all submissions, resolves to adopt some changes in accordance with supported submissions and requests that the Minister for Planning establish a Planning Panel to hear unresolved submissions.

Attachments

1 Attachment 1 - AmC72 Analysis of Submissions Table

Questions

Brien Jones – Bowser

How many housing blocks will there be?

Barry Green Director of Development Service replied that there would be 59.

- **Mayor Ken Clarke returned to the chambers and resumed the Chair.**

16.3 PLANNING SCHEME AMENDMENT C61 - WALDARA LOW DENSITY RESIDENTIAL AREA - CONSIDERATION OF PANEL REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Senior Planner
File Name: C61
File No: 73.030.067

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council as the relevant Planning Authority, to consider the recently received Panel Report. This report contains the Planning Panels review of Amendment C61 and their recommendations followings the hearing held on 8 November, 2016.

A copy of the Panel report accompanies this report at Attachment 2, and the report is now a public document, and published on Councils Website. Pursuant to Section 27 of the *Planning and Environment Act 1987* (The Act), Council must now consider the panel report, before deciding to either adopt or abandon the amendment.

In preparing this report, a detailed analysis has been undertaken of the relevant conclusions and recommendations outlined in the report and accompanies this report at Attachment 1.

In summary the Panel has generally supported Councils strategic approach to Amendment C61 and recommends that the Amendment be adopted as exhibited subject to the following five changes:

1. *Amend the Waldara Low Density Residential Precinct Background Report April 2016 to ensure that the formatting of the final documents for adoption and approval of the Amendment is correct.*
2. *Adopt the revised Waldara Low Density Residential Precinct Background Report as a Reference Document at Clause 21.12.*
3. *Amend the Low Density Residential Zone Schedule to reflect the revised precinct lot sizes as contained in Appendix C.*
4. *Amend the Design and Development Overlay Schedule 3 in accordance with the Panel's preferred version contained in Appendix D.*
5. *Amend Map 1 to the Design and Development Overlay Schedule 3 by:*
 - *changing the Development Plan legend wording from 'Proposed Road' to 'Potential Road Link' and deleting the 'Proposed Drainage Reserve.'*
 - *deleting or reduce as appropriate the drainage reserve shown on the McPhail property.*

ORIGINAL RECOMMENDATION:***That Council:***

- 1. Considers the Panel Report in accordance with Section 27 of the Planning and Environment Act 1987 (the Act);***
- 2. Adopts the revised Waldara Low Density Residential Precinct Background Report (April 2016), and includes it as a Reference document at 21.12 of the Wangaratta Planning Scheme;***
- 3. Pursuant to Section 29(1) of the Act, Adopt Amendment C61 subject to changes and actions outlined in Attachment 1 – Analysis of Panel Report – Summary Table;***
- 4. Pursuant to Section 31(1) of the Act submit the adopted Amendment to the Minister for Planning for approval pursuant to Section 35 of the Act;***
- 5. Notify submitters in writing of Council's decision.***

RECOMMENDATION:

(Moved: Councillor H Bussell/Councillor D Rees)

That Council:

- 1. Considers the Panel Report in accordance with Section 27 of the Planning and Environment Act 1987 (the Act);***
- 2. Adopts the revised Waldara Low Density Residential Precinct Background Report (April 2016), and includes it as a Reference document at 21.12 of the Wangaratta Planning Scheme, subject to the following changes;***
 - a) Amends the minimum lot size for subdivision within Area C (Usshers Drive) to 4000sqm where reticulated sewerage is connected.***
 - b) Amends the Waldara Low Density Residential Precinct Plan to include alteration to Area C and correction of the drainage basin at 53 Old School Road.***
- 3. Pursuant to Section 29(1) of the Act, Adopt Amendment C61 subject to changes and actions outlined in Attachment 1 – Analysis of Panel Report – Summary Table;***
 - a) Amends the minimum lot size for subdivision within Area C (Usshers Drive) to 4000sqm where reticulated sewerage is connected.***

4. ***Pursuant to Section 31(1) of the Act submit the adopted Amendment to the Minister for Planning for approval pursuant to Section 35 of the Act;***
5. ***Notify submitters in writing of Council's decision.***

Carried

Background to Amendment C61:

History of the amendment

At its Ordinary Meeting of June 2014, Council considered a report advising of the ongoing problems with stormwater drainage and changes to planning controls that were causing development pressure in the Waldara Low Density Residential Precinct. Council resolved to prepare a Development Plan to apply to the Precinct 'to control the future subdivision pattern and provision of infrastructure'. Council also sought interim planning controls under Amendment C59 to limit subdivision within the precinct whilst a Development Plan was prepared.

Since that time, much background work has been done, including the preparation of a Strategic Drainage Plan (June 2015) and a Background Report (April 2016). At its Ordinary Meeting of 19 April 2016, Council endorsed the Background Report as the strategic basis for preparation of Amendment C61 to the Wangaratta Planning Scheme.

In the meantime, Amendment C59 has been approved by the Minister for Planning. Amendment C59 was designed as an interim measure to limit further subdivision in the Waldara Precinct, whilst Council progressed with Amendment C61. Amendment C59 applies a Development Plan Overlay to the entire precinct, effectively preventing Council from considering applications for subdivision until a Development Plan is approved. In essence, there is a temporary 'hold' on subdivision in Waldara for a period of two years, or until Amendment C61 is successfully progressed to completion.

What does Amendment C61 Propose?

In brief, Amendment C61 seeks to change the current minimum lot size across the entire Waldara precinct, from 0.2ha (State default control) to a range of lot sizes across three neighbourhood areas (Neighbourhood A: 0.4ha; Neighbourhood B: 1.0ha and Neighbourhood C: 0.75ha) as shown in **Attachment 3 – Waldara Low Density Residential Precinct Development Plan**.

The amendment also seeks to apply a Design and Development Overlay (as the planning provision considered most appropriate) that will require the design and layout of future subdivision in the Waldara Precinct to provide stormwater

infrastructure, road access to new lots and protection of native vegetation in accordance with a Development Plan (part of the Design and Development Overlay control).

Exhibition and submissions

The amendment was placed on public exhibition from 16 June – 18 July 2016. A total of 32 submissions were received during that time. A further three late submissions have been received since that time and are also included in the Table.

Of the 35 submissions to Amendment C61, five are from agencies, and 30 from the general public (28 landowners and 2 consultants). The content of submissions can be divided broadly into general issues and site specific issues/request for changes:

General issues:

- proposed management of stormwater drainage is inadequate;
- placement of potential road links not supported;
- support for 0.4ha minimum lot size approach and protection of neighbourhood character;
- objection to approach and negative impact on character of area;
- requests to apply one minimum lot size across the entire precinct, ranging from 0.45 ha to 0.8 ha in size;
- concern about devaluation of property and removal of existing rights to subdivision;
- loss of value due to decreased lot yields;
- queries regarding the need to connect to reticulated sewer and any requirements for compulsory acquisition of land for roads;
- preference for a development and/or dwelling density across the precinct rather than minimum lot sizes to promote variation in subdivision design.

Site specific issues: Talgai Drive (7 submissions):

- objection to placement of potential future road links;
- queries with proposed drainage treatments,
- request for relocation of drainage easements,
- Council failure to adequately address drainage and impacts from Wangaratta Golf Course;
- support for Councils' approach to 0.4 hectare minimum lot size.

Site specific issues: Usshers Drive (13 submissions): responses range from:

- request that Council retain the existing 0.2ha minimum lot size (x2);
- change to 0.4ha (x5);
- change to 0.6ha (x1)
- rezone to Rural Living Zone (x1);
- support 0.75ha (x1);
- change to 0.8ha across the entire precinct (x1);
- assess subdivision on its merits,
- not automatically approve 0.75 sized lots;

- prevent further subdivision until drainage issues are resolved; support road link with Waldara Drive,
- objections to link with Waldara Drive and link to Wonga Park Drive.

Agencies were largely supportive of the amendment with several suggestions to include extra references or requirements in the Design and Development Overlay. The submission from VicRoads remained unresolved and was referred to the Panel.

Agreed changes to the Amendment prior to Panel

In order to address some submissions, a number of changes to the exhibited amendment documents were previously recommended and are contained within Attachment 1. In summary, the most significant changes proposed are as follows:

1. Change the minimum subdivision lot size for Neighbourhood C (Usshers Drive) from 0.75ha to 0.6ha. This change will not significantly increase lot yield, but will allow greatly flexibility in the design and layout of lots.
2. Reduction in number of potential road links, or relocation of links, as shown on the Development Plan. This reduction is supported by additional wording in the Schedule to the Design and Development Overlay to ensure connectivity in road design is considered at the subdivision stage.

Independent Planning Panel

Council resolved at its Meeting of Council on the 18 October, 2016, to request the Minister for Planning to appoint an independent Panel to consider submissions made to Amendment C61.

A one day public panel hearing was held on 8 December, 2016. A total of 9 parties including Council made representation to the Panel. The Panel has now made its recommendations and Council must now consider this report.

Summary of Key Recommendations within the Panel Report:

Overall the Panel was supportive of Amendment C61, recommending its adoption as exhibited subject to the following changes:

1. *Amend the Waldara Low Density Residential Precinct Background Report April 2016 to ensure that the formatting of the final documents for adoption and approval of the Amendment is correct.*
2. *Adopt the revised Waldara Low Density Residential Precinct Background Report as a Reference Document at Clause 21.12.*

3. *Amend the Low Density Residential Zone Schedule to reflect the revised precinct lot sizes as contained in Appendix C.*
4. *Amend the Design and Development Overlay Schedule 3 in accordance with the Panel's preferred version contained in Appendix D.*
5. *Amend Map 1 to the Design and Development Overlay Schedule 3 by:*
 - *changing the Development Plan legend wording from 'Proposed Road' to 'Potential Road Link' and deleting the 'Proposed Drainage Reserve.'*
 - *deleting or reduce as appropriate the drainage reserve shown on the McPhail property.*

As detailed in the analysis table (Attachment 1), the majority of the recommended changes are considered minor and in many instances are driven by negotiation between submitters and Council and presented to the Panel.

However the recommended changes to the Design and Development Overlay – Schedule 3, in particular the requirement to delete the Section 173 agreement, have not been previously considered by Council. The Panel advised:

'It is the Panel's view that the requirement to collect contributions for roads by way of a S173 agreement is not valid.

The concern for the Panel is the wording in the Schedule:

A Section 173 agreement for development contributions will be required between the responsible authority and the owner of the land.

When questioned whether there was a Development Contributions Plan (DCP) in place, Council confirmed there was not. In the absence of an approved DCP, collection of contributions by way of this wording in the Schedule is not valid and cannot be made mandatory. S173s agreements are by their very nature voluntary agreements. In the absence of a DCP, a S173 agreement may be valid as part of any application for subdivision, but it should not be mandated in the Schedule to the DDO.'

Taking into account the advice of the Panel, it is considered that the requirement for a Section 173 agreement should be removed. Undertaking a Development Contributions Plan for the Waldara LDRZ area is considered largely unfeasible, given the limited yield of infill development as opposed to the greenfield residential developments of Councils two designated growth areas.

However, removal of the proposed working, does not preclude Council from negotiating for development contributions during the processing of individual planning permits, with their respective applicants.

The panel also refers to amending Map 1 to the DDO1 (Panel recommendation no.5), to reflect changes agreed around the road network and drainage basin. A revised Map 1 accompanies this report at Attachment 3 to this report and it includes additional changes noted in table 2 (attachment 1) which have been negotiated with submitters prior to the Panel hearing. The revised plan is now for Councils consideration if adopted by Council, will form a road map to guide future development of the Waldara LDRZ precinct.

Implications

Policy Considerations

Strategic directions in Council's *Population and Housing Strategy 2013* advise that existing land zoned for low density residential purposes around Wangaratta City should be used to accommodate demand until 2031, including encouraging the subdivision of larger low density residential allotments. The promotion of further subdivision in the Low Density Residential Zone should be informed by an integrated approach, having regard to adequate provision of infrastructure, neighbourhood character and movement networks.

Financial Implications

Future fees for any approval of the amendment by the Minister for Planning will be \$453.10. It is proposed to fund these fees from the 2016-17 operation budget for 2016-17 planning scheme amendments.

Legal/Statutory

All procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

Social

Applications for subdivision in the Waldara area have generated considerable public interest and opposition over the past few years. The local community is concerned about the loss of neighbourhood character, along with the impacts of increased development such as traffic, loss of native vegetation and localised drainage and flooding issues. Land owners are also concerned about the loss of value to properties and earning potential if they are unable to apply to subdivide as possible under the 0.2ha minimum lot size set as the State default.

Amendment C61 seeks to balance the aspirations of residents in the Waldara Precinct with a clear direction to accommodate further growth within the area. Amendment C61 sets out requirements for consideration as part of any assessment of new subdivision in the Precinct.

This will ensure that existing elements that make Waldara an attractive place to live are identified and protected. This is considered a positive social outcome for residents of the Waldara area.

With the application of the current interim controls approved by Amendment C59, residents of Waldara are unable to subdivide their properties. It is important that Amendment C61 is progressed so that this situation can be resolved, with a clear plan to accommodate growth and a decision-making framework in place.

Environmental/Sustainability Impacts

Stormwater management and retention of native vegetation have been identified as issues within the Waldara Precinct. Planning controls proposed by Amendment C61 will help implement improvements to the stormwater drainage

system, which will result in better quality water entering the Ovens River system as well as reducing nuisance flooding within the estate. The protection of native vegetation through appropriate subdivision design will also have a positive impact on ecological values within the area.

Referrals/Public Notice

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

We will plan and make decisions for the future:

by updating the Planning Scheme and the Municipal Strategic Statement by developing new and reviewing

The non-negotiables

Residential, rural, commercial and industrial land that is appropriately protected, planned and developed to

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

This proposal will support the desired outcomes of Strategy 1 of the Community Vision, including:

- *Housing growth has been gradual, well-planned and matched by the extension of infrastructure and services.*

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will keep you informed	Public meeting for landowners held prior to formal exhibition process, to inform residents of purpose of amendment and content of Background Report.
Consult	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision	Formal exhibition of Amendment C61 included letters to residents and agencies, receiving, formally considering and responding to submissions

Involve	N/A	Panel hearing – all submitters invited to participate.
Collaborate	N/A	N/A
Empower	N/A	N/A

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

Option 1 (Recommended option):

Resolve to make changes to the amendment in line with the recommendations of the Panel, pursuant to Section 29(1) of the Act as outlined within Attachment 1, and pursuant to Section 31(1) of the Act submit the amendment to the Minister for Planning with changes for approval pursuant to Section 35 of the Act.

This option follows the statutory process required to consider the Panel recommendations, makes changes as described, and is consistent with a good land use planning outcome for the Waldara area and the community.

Option 2: (Not recommended option):

Abandon the amendment under section 28 of the Act.

This option would fail to deliver appropriate planning policy into tangible policy outcomes within the Wangaratta Planning Scheme, to guide future Low Density residential development within the Waldara area.

Conclusion

The Panel has provided support to the Amendment within their report, specifically supporting Councils use of different minimum lot sizes across the Waldara area in recognition of its historic development pattern and existing neighbourhood character. Combined with varied minimum lot sizes are objectives to guide the future development of the Waldara LDRZ area. The minor changes proposed by the Panel have been discussed within this report and the accompanying analysis table (attachment 1).

Overall it is recommended that Council adopt Amendment C61, with the changes outlined in the Panel report and also additional changes agreed to with submitters and outlined within the Analysis table (attachment 1). The adopted amendment should then be submitted to the Minister for Planning for approval pursuant to Section 31 of the Act.

Attachments

- 1 Attachment 1: Wangaratta Amendment C61 Table 1 - Consideration of Panel Report - Waldara LDRZ
- 2 Attachment 2: AMC61 Panel Report - Waldara LDRZ
- 3 Attachment 3: Amended Waldara Development Plan

Questions

Bruce Robertson – Wangaratta

We have gone to an expert planning hearing which was extremely well conducted and heard all sides. I would ask the question that now we have had that expert panel come up with all the considerations obtained within the report, why on earth would council look to alter the recommendation of an expert planning panel?

Councillor Harry Bussell replied *I have listened to many people down there and I am here to help people, to help the town grow and to open doors. This is an opportunity for the people, for the majority of people in Usshers Drive that want this.*

Councillor Dean Rees replied *that Barry Green may be able to add some light on what will transpire from now on. This change in the recommendation will go down to the Planning Minister and he will look at it and then make a decision. He could go with either amendment and he could still decide to go with the point 6 of a hectare. A planning review does not necessarily make it right, I am also one of those people that spoke to some of the people in Usshers Drive.*

Barry Green Director Development Services replied, *that is correct. Following councils resolution tonight regardless of what the resolution is, the matter will be referred to the Planning Minister. It will be the Minister or one of his delegates who will make a decision and they will consider Councils recommendation tonight and also the material contained within the panel report.*

Councillor Harvey Benton replied, *I came to this decision to support this recommendation as the panel had already reduced the number from point 75 hectares' to point 6 hectares. In that particular area of Wangaratta it is all .4 hectares so to keep some amenities and consistency. On both sides of Usshers Drive you have point 4. It gives some kind of continuity for the area going forward. It gives us the opportunity to be able to do it, instead of being pushed out further into agriculture ground. We have had discussions and forums in this area. It's a balancing act in my mind and I would like to see some consistency out that way.*

Councillor Ruth Amery replied *that she would not support the recommendation as she understood people had purchased this land for lifestyle blocks.*

16.4 ENERGY REDUCTION TARGET UPDATE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Sustainability Education Officer
File Name: Energy Reduction Plan
File No: F16/1860

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to commend the work that has been undertaken to meet the target of reducing 20% of greenhouse gas emissions by 2016 from 2006 levels and present the findings of the Energy Reduction Plan. The Plan was completed in April 2016 and at the time the findings were that Council had achieved a 19% reduction of emissions and it was reported that with the planned continued retrofits of the Government Centre and streetlight upgrading we would meet the 20% target, which has now been successfully achieved.

The Plan provides figures for both 'like for like' comparisons in terms of building size footprint and the actual 2016 figures. Projects that reduced emissions are highlighted and suggested future actions and projects to further reduce emissions and energy consumption were identified. While we would like to commend the achievement of reaching the 2016 emission reduction target and the recent projects being undertaken in attempt to reduce this figure further, it needs to be highlighted that a new emission target has not been set which needs to be reviewed if we seek to progress towards our goal of being carbon neutral by 2050.

RECOMMENDATION:

(Moved: Councillor H Bussell/Councillor D Fuller)

That Council:

- 1. commend the achievement of having reached the Council's greenhouse gas target of reducing emissions by 20% in 2016 that occurred through a variety of projects;***
- 2. note the future opportunities available to continue savings in energy and greenhouse gas emissions as proposed in the Energy Reduction Plan; and***
- 3. delay future reporting of energy data until the new Environmental Sustainability Reporting Program establishes relevant and measurable indicators.***

Carried

Background

In 2006 the Rural City of Wangaratta adopted a target to reduce corporate greenhouse gas emissions (GHGs) by 20%, as part of the Cities for Climate Protection (CCP) program. The CCP program supported data analysis and when the program ceased, Council developed internal data collection and analysis.

At the time the key sources of emissions were buildings (65%), public lighting (17%) and vehicles (18%). Works to reduce energy use and improve efficiency have significantly reduced GHG emissions, particularly in the past 5 years. Key works that used a range of energy saving approaches are shown below in Table 1. The year of implementation is shown, but the projects continue to have energy, cost and GHG savings to Council for the life of the asset. The attached report and Energy Reduction Plan details the costs and savings for each project in detail.

Table 1.

Year	Facility	Solar Power	Efficiency upgrade	Efficient operation
2006	Efficient fleet vehicles and fuel saving		•	•
2008-11	Eco Living Sustainable Communities Project at Barr Community Centre	•	•	•
2008-15	Council IT equipment efficiency improvements		•	•
2012	Installation of Solar PV system – Saleyards and Childcare Centre	•		
2012-14	WISAC Cogeneration Installation		•	
2013-16	Energy efficient lighting change over for WISAC, Government Centre, Gallery, Library & PAC		•	•
2014-16	Watts Working Better Street lighting Project – changeover to LED lighting		•	

Implications

Policy Considerations

In the Environmental Sustainability Strategy 2014 (ESS), Council adopted the following aims:

- Build sustainability into normal business operations
- Encourage a culture where sustainability becomes ‘business as usual’
- Involve relevant staff in planning and development of actions to reduce resource use and environmental impacts
- Identify actions to improve the sustainability of Council operations and assets in light of climate related impacts.

In the ESS, Council has also adopted a target of 30% reduction in energy use by 2025.

Financial/Economic Implications

While some financial data in regards to cost savings is addressed in the Energy Reduction Plan, information was limited by the fact that detailed audits have yet to occur that will provide more detail about cost savings.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

The EcoLiving project and the WISAC cogeneration installation are both located in community facilities at the Barr Reserve. These projects serve as demonstration projects to the community with associated education signage and materials. These projects demonstrate sustainability leadership from the Council to the community as it helps people apply the techniques used at these centres in their own homes.

Environmental/Sustainability Impacts

Greenhouse Gas Emission Changes

The attached report compares the greenhouse gas profiles from the base year of 2006 to the end of the financial year of 2014/15. During this time Council has constructed and altered several buildings, therefore the calculations, to determine if we have meet the 20% reduction, have been adjusted to compare the figures for the same building footprint size as at 2006.

Table 2. Greenhouse Gas Emissions tCO₂-e and source*

Category	2006 Baseline	2014-15 Adjusted	2014-15 Actual
<i>Buildings</i>	53%	58%	65%
<i>Public Lighting</i>	26%	20%	17%
<i>Vehicles</i>	21%	22%	18%
TOTAL	6830	5563	6823

**GHG are measured in 'equivalent tonnes' (e) as many sources emit different types of greenhouse gases that are converted tonnes of CO₂ for a consistent measure.*

The table shows that, comparing the 2006 baseline and 2014-15 adjusted figures, the programs and works have saved 19% in GHG emissions. As the streetlight changeover was not completed when the analysis was done, this project is expected to contribute the extra 1% GHG saving. On this basis Council has achieved the 2006 target of a 20% GHG reduction by 2016.

The fourth column in the table shows the 2014-15 actual emissions that takes into account added and extended building assets which include:

- Performing Art Centre replacing the Memorial Town Hall
- Extension of Wangaratta Government Centre

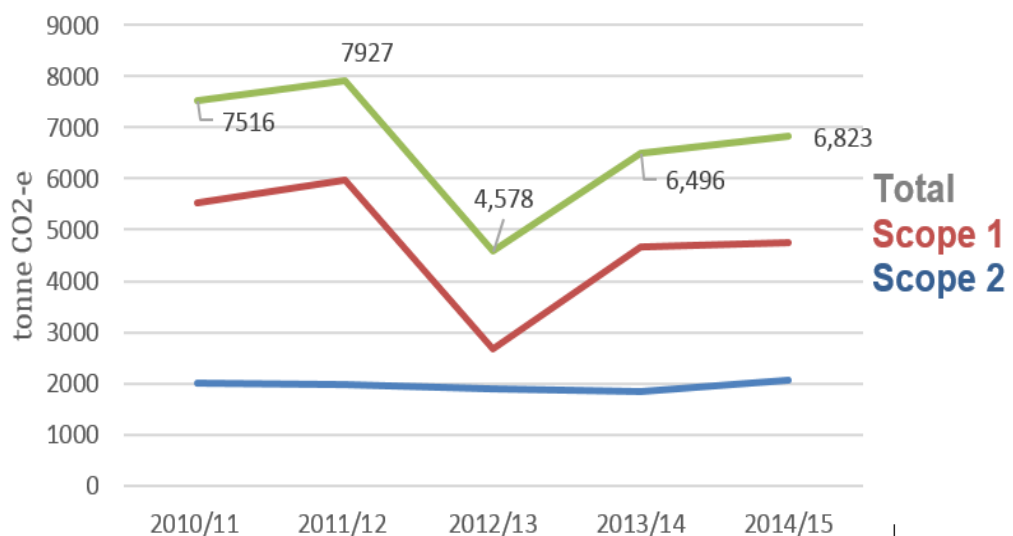
- Wangaratta Childcare Centre relocation to a larger building and then further extended
- WISAC extended
- Library relocated to a larger building
- Additional streetlights installed for new subdivisions and outdoor areas

The total emissions from 2014-15 based on total assets are about the same as the 2006 emissions, and with the increase in footprint this is commendable. However, it does demonstrate the need for new works to achieve very high standards of energy efficiency. Audits of some of the newer assets show this was not the case when the projects were designed. It is essential that future design include a rigorous energy assessment to save energy and cost over the life of the asset if we are to meet our energy consumption target of a reduction of 30% by 2025.

Five Year Review 2010-2015

In the years of 2010-15, Council developed in-house analysis of energy figures that has allowed for more detailed assessment of trends. Figure 1 shows GHG emissions for this time period in terms of Scope 1 and Scope 2 emissions. Under the National Greenhouse and Energy Report Act 2007. Scope 1 emissions are the direct emissions that the Council owns or controls (e.g fuel burnt from fleet or LPG burnt at the WISAC) while Scope 2 emissions are indirect emissions that the Council is responsible for as they are a result of Council activity (e.g electricity purchased/used).

FIGURE 1. - GREENHOUSE GAS EMISSIONS 2010-15



The very significant drop in 2012-13 was due to the purchase of green power at a competitive price of approximately \$20,000. If Council had continued with a moderate green power purchase it would have achieved the 20% reduction in real terms as well. The combination of efficiency works for long term energy saving and the purchase of a measure of green power can achieve GHG reductions and energy and cost savings over the long term and is being used by other Victorian Council's as one component of their emission reduction strategies.

This may be possible as part of the solar farm development when it is completed and operational.

Future Actions

In the ESS, Council has adopted an aspirational target of 30% reduction in energy use by 2025. A new GHG reduction target has not been adopted.

The attached Energy Reduction Plan sets out measures over the next 4 years, derived from Council's Environmental Sustainability Strategy 2014 and energy audits. Some of the actions/projects are included in the 2016/17 program and include continuing to retrofit energy measures throughout the Government Centre, reviewing and trialing operating efficiencies for the WISAC Co-generator and installing the last 130 streetlights for the "Watts working Better" project.

Other efficiencies will occur through user behaviour and formation of a Sustainability Team to drive this. A proposed joint project with Council in the Goulburn Broken Greenhouse Alliance (GBGHA) will conduct building audits and investigation of efficiency measures and projects for buildings and fleet. The project will document the anticipated energy and GHG savings to refine the Energy Reduction Plan to achieve the next stage of reductions. Council is working with the GBGHA to submit a funding bid to the 2016 New Energy Jobs Fund to fund this project. Council is now part of a partnership that has received funding for an Electronic Vehicle feasibility study that DEWLP has granted funding for and is awaiting its first steering committee meeting.

Furthermore, in 2016 we received funding in partnership with 6 other councils, to develop an Environmental Sustainability Reporting Program to ensure consistent metrics and indicators are developed for Council's in our region that will provide a comparable approach to reporting in the future. This project will take 18 months and while we will continue to gather the key indicator data that we have previously done to ensure we have the information available for future reporting purposes. We will not be reporting the figures until the new reporting framework is developed.

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

We will create and deliver:

Major energy savings through the conversion of Council owned streetlights to energy efficient alternatives.

We will plan and make decisions for the future:

That identify options to maximise the use of environmentally sustainable design in new and retro fitted residential, industrial and commercial developments.

The non-negotiables

The best use of Council's resources.

Reduce the impact of Council's activities and provide leadership in sustainability by demonstrating best practice.

Strategic Links**a) Rural City of Wangaratta 2030 Community Vision**

- Wangaratta and its surrounds have become the solar and other renewable energy generation centre of the North East of Victoria, generating enough renewable energy to power the entire regional centre and support the national grid.
- The Rural City of Wangaratta community has substantially reduced its greenhouse gas emissions.

Action Plan:

13. Encourage the expansion of renewable power.

15. Ensure community has leadership, information, plans, tools and assistance to reduce greenhouse gas emissions.

b) Other strategic links

N/A

Consultation/Communication

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Conclusion

While we have meet our 2006 target as part of the 2014 ESS Council does have to goal of being carbon neutral by 2050. The sustainability environment in regards to energy generation and consumption continues to evolve rapidly in response to drivers such as resource limitation and recent initiatives such as the Sustainable Development Goals and the Paris Agreement. Therefore it is going to be crucial to invest in improving efficiencies, reduce consumption, seek out renewable options and ensure we have programs in place to support this goal.

Attachments

- 1 Energy Plan

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

18.1 ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Executive Assistant Corporate Services
File Name: N/A
File No: 10.020.002

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

Minutes of the following Advisory Committee Meetings are reported to Administrators for information (refer attachments).

1. Sport and Recreation Advisory Committee
2. Audit Advisory Committee
3. Wangaratta Unlimited Committee
4. Arts, Culture, Heritage Advisory Committee

RECOMMENDATION:

(Moved: Councillor M Currie/Councillor R Amery)

That Council notes the minutes of these committees.

Carried

Attachments

- 1 Sport and Recreation Advisory Committee - Minutes 14 December 2016
- 2 Audit Advisory Committee - Minutes 20 December 2017
- 3 Wangaratta Unlimited - Minutes 6 December 2017
- 4 Arts Culture Heritage Advisory Committee - 6 December 2017

19. RECORDS OF ASSEMBLIES OF COUNCILLORS

19.1 RECORDS OF ASSEMBLY OF COUNCILLORS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 21 February 2017
Author: Executive Assistant Corporate Services
File Name: Records of Assembly of Councillors
File No: F16/2117

Executive Summary

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

At an assembly of Councillors, a written record is kept of:

- a) the names of all Councillors and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending; and
- d) whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Councillors is, as soon as practicable:

- a) reported at an Ordinary Meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

Date	Meeting details	Refer
12 December 2016	Councillor Briefing Forum	Attachment
16 December 2016	Pre-Council Meeting Forum	Attachment
19 December 2016	Councillor Briefing Forum	Attachment
16 January 2017	Councillor Briefing Forum	Attachment
23 January 2017	Councillor Briefing Forum	Attachment
27 January 2017	Code of Conduct submission hearing	Attachment
30 January 2017	Councillor Briefing Forum	Attachment
6 February 2017	Councillor Briefing Forum	Attachment

RECOMMENDATION:**(Moved: Councillor M Currie/Councillor D Rees)*****That Council receives the records of Assemblies of Councillors.*****Carried****Attachments**

- 1 Assembly of Councillors - 12 December 2016
- 2 Assembly of Councillors - 16 December 2016
- 3 Assembly of Councillors - 19 December 2016
- 4 Assembly of Councillors - 16 January 2017
- 5 Assembly of Councillors - 23 January 2017
- 6 Special Committee of Council - 27 February 2017
- 7 Assembly of Councillors - 30 January 2017
- 8 Assembly of Councillors - 6 February 2017

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS**RECOMMENDATION:**

(Moved: Councillor D Rees/Councillor H Benton)

Administrator D Rees moved a motion:

That the Council meeting scheduled for the 21 March 2017 at the Carboor Hall be changed to the 28 March 2017 still to be held at the Carboor Hall.

Carried

22. PUBLIC QUESTION TIME**Helen Senior – Glenrowan**

On behalf of the Glenrowan Improvers we haven't heard from the council regarding the railway station being preserved by the council. The lease runs out on the 31st of March and we have put a submission into the transport minister with the help of Tim McCurdy. We are hoping we can save our Railway Station.

Brain Fox – Wangaratta

This is in regards to the report in the Chronicle last Friday, 'Pedestrians are a priority under CBD Lane change'. There were assumptions from interviews with local people that seem to be considered as full gone conclusions. It says Maloney's Arcade will become a green space with no car access. Will we have the opportunity to contribute to the design or does it mean we can veto the whole proposal? How many car parks will be lost?

Ken Clarke Mayor replied in my report tonight I spoke about a presentation that was given to us in respect to Maloney's Square and that's as much as it is. The council made a decision to pursue the possibility of funding for it as that is as much as we have done. There is a concept plan within the CBD project but nothing has been decided and there will be community input

Jaime Carroll Director Community Wellbeing replied there are a few points I would like to respond too. Yes, I was quoted in the article saying we would seek further input from business owners in the community and that is on top of the extensive consultation that has already taken place as part of the CBD master plan. Maloney's Square is one of the key projects that came from the Wangaratta Master plan and was one of the top five priorities that was identified by our community.

There will be the removal of car parking for the implementation of Maloney's Square. We will work closely with business owners around their needs such as loading times, how the customers and how their staff access to their buildings. We will also do extensive consultation in a detailed way with the community as part of implementation of the project, if we are successful with funding. In terms of the count of the carparks there are around 20 and they would be absorbed as part of that development.

Bernadette Griffiths – Wangaratta

I object to the Maloney's Arcade being closed off for the simple reason of people with wheelie walkers, crutches ect. These people are using the bank, news agency or going to have a coffee. Have you contacted the Senior Citizens?

Ken Clark Mayor replied, *I appreciate your comments Mrs Griffiths. The CBD Masterplan was something that evolved over a long period of time and was approved by the previous Council. If you have a problem with Maloney's Square I suggest you make a submission. We have not contacted the senior citizens and we will take that on board.*

Rob Levold – Meadow Creek

Now that Oxley and Moyhu are now connected to sewage what progress has been in made in regards to the Domestic Waste Water Management Plan?

Barry Green Director Development Services replied, *in relation to the Domestic Waste Water Management plan the consultants are currently preparing that plan. They were engaged late last year and that plan should be finished by the end of this financial year for Councils further consideration. We are currently considering an updated MoU with Goulburn Murray Water and they have sent through a draft for our consideration.*

23. CONFIDENTIAL BUSINESS

Nil

24. CLOSURE OF MEETING

The Meeting closed at 7.04pm.